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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	X
	:	
Plaintiff,	:	
	:	
v.	:	Case No.: 12-CV-7530 (GBD/JCF)
ANY AND ALL FUNDS	:	
ON DEPOSIT AT JPMORGAN CHASE	:	ECF Case
ACCOUNT NUMBER 61442003	:	
HELD IN THE NAME OF CIA MINERA	:	
AURIFERA SANTA ROSA SA, AKA	:	NOTICE OF MOTION TO
COMARSA, et al.,	:	DISMISS THE AMENDED
	:	COMPLAINT PURSUANT TO
Defendants in rem;	:	SUPPLEMENTAL RULE G(8)(B)
	:	AND FED. R. CIV. P. 12(B)(6)
-and-	:	
CIA MINERA SAN SIMON S.A., et al.	:	
	:	
Claimants.	:	
	:	X

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Robert J. Cleary, dated February 28, 2013, the Exhibits attached thereto, and the accompanying Memorandum of Law in Support of Claimants' Motion To Dismiss the Amended Complaint Pursuant to Supplemental Rule G(8)(b) and Fed. R. Civ. P. 12(b)(6), dated February 28, 2013, the undersigned attorneys for Claimants Cia Minera San Simon S.A., Advancer Logistics LLC, Horizonte Dorado S.R.L., Pacific Gateway Corporation, and Carlos Alberto Sanchez Alayo will

move before the Honorable George B. Daniels, United States District Judge, of the United States District Court, Southern District of New York, Manhattan Division, 500 Pearl Street, Courtroom 11-A, New York, New York, for an order pursuant to Supplemental Rule G(8)(b) and Rule 12(b)(6) of the Federal Rules of Civil Procedure:

1. Dismissing in its entirety the Amended Complaint filed by Plaintiff United States of America, dated February 4, 2013; and

2. Granting such other and further relief as the Court deems just and proper.

Dated: New York, New York
February 28, 2013

Respectfully submitted,

PROSKAUER ROSE LLP

By: /s/ Robert J. Cleary

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-and-

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